

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

CHRISTOPHER COOK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-CV-0784-CVE-FHM
)	
JAMES PRIEST, M.D.)	
PAWHUSKA MEDICAL CLINIC, INC., and)	
PAWHUSKA HOSPITAL, INC.)	
)	
Defendants.)	

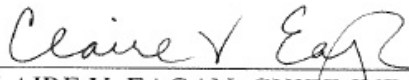
OPINION AND ORDER

Before the Court for consideration is Defendant Pawhuska Municipal Hospital's Motion for Partial Summary Judgment and Brief in Support (Dkt. # 60). In lieu of filing a response to this motion, plaintiff agreed to partial summary judgment to defendant hospital on the issue of vicarious liability under the Government Tort Claims Act. Thus, after review of the motion, the Court finds that:

1. Pawhuska Municipal Hospital is a political subdivision subject to the Governmental Tort Claims Act, Okla. Stat. tit. 51, § 151, et seq.
2. Pawhuska Municipal Hospital is exempt from vicarious liability for the actions of James Priest, M.D., as he was an independent contractor and not an employee or agent of the hospital.
3. Defendant Pawhuska Municipal Hospital's Motion for Partial Summary Judgment (Dkt. # 60) should be and is hereby **granted**.

IT IS THEREFORE ORDERED that partial summary judgment is granted to defendant Pawhuska Municipal Hospital on the issue vicarious liability under the Government Tort Claims Act.

DATED this 21st day of October, 2005.



CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT